



KENTUCKY STATE BOARD OF PHYSICAL THERAPY

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Governor

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Rebecca E. Klusch
Executive Director

MINUTES OF MEETING January 10-11, 2007

Board Members Present: Troy Grubb, PT, Chair
Debra Turner, PT
Ron Barbato, PT
Margaret Blain, PT
Kristie Cochrane, PT
Peggy Block, PT

Board Staff: Rebecca E. Klusch, Executive Director
Board Agents: Mark Brengelman, Assistant Attorney General, Board Counsel
Brian Fingerson, R.Ph.
Jack Nicholson, UK Pharmacy Student

A meeting of the Kentucky State Board of Physical Therapy Complaint Committee was called to order at 4:00 p.m., Wednesday, January 10, 2007, at Board Office. Motion was made by Troy Grubb to go into closed session per KRS 61.810(1) (c) and (j), seconded by Debra Turner. All in favor 2/0. Motion was made by Troy Grubb to come out of closed session, seconded by Debra Turner. All in favor 2/0. The committee meeting adjourned at 7:20 p.m.

A meeting of the Kentucky State Board of Physical Therapy was called to order by Board Chair, Troy Grubb, at 9:20 a.m., Thursday, January 11, 2007, at Board Office. A quorum was present.

Motion was made by Ron Barbato, seconded by Margaret Blain to approve the minutes as amended of the November 15-16, 2006, Board Meeting. The motion carried 5/0.

A letter was submitted by Steven Lacy, Public Member, announcing his resignation due to health problems. The Executive Director will contact the Governor's office for a new appointment. The Board unanimously remarked on the excellent service rendered by Mr. Lacy during his long tenure as a Public Member.

Complaint Committee

Mark Brengelman reported on the pending appeal from Franklin Circuit Court, *KSBPT v Dubin Orthopaedic Centre, P.S.C.*

C2006-07 The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to accept the Settlement Agreement between the *Kentucky Board of Physical Therapy v. Shayne Ferguson, P.T.* The Board approved the recommendation, seconded by Ron Barbato. The motion carried 4/0. Complaint Committee members Troy Grubb and Debra Turner recused from voting. Margaret Blain was appointed as monitor.

C2006-09 The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to accept the Settlement Agreement between the *Kentucky Board of Physical Therapy v. Phyllis Robinson, P.T.A.* The Board approved the recommendation, seconded by Kristie Cochrane. The motion carried 4/0. Complaint Committee members Troy Grubb and Debra Turner recused from voting.

BIC2006-16 The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to dismiss the case due to insufficient evidence to support a violation of KRS Chapter 327. The Board approved the recommendation, seconded by Ron Barbato. The motion carried 4/0. Complaint Committee members Troy Grubb and Debra Turner recused from voting.

C2006-11 The Complaint Committee reported that the Respondent signed, dated and returned the Private Admonishment. Case is closed.

C2006-14 Case is ongoing.

C2006-15 The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to accept the signed affidavit from Tristin Thompson, D.C., and Craig Fennell, D.C., Healing Hands Chiropractic Center. The Board approved the recommendation, seconded by Ron Barbato. All in favor 4/0. Complaint Committee members Troy Grubb and Debra Turner recused from voting.

C2006-17 The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to accept the signed affidavit from Vance True, D.C., True Chiropractic Center. The Board approved the recommendation, seconded by Kristie Cochrane. All in favor 4/0. Complaint Committee members Troy Grubb and Debra Turner recused from voting.

C2006-18 The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to dismiss the case due to insufficient evidence to support a violation of KRS Chapter 327. The Board approved the recommendation, seconded by Peggy Block. All in favor 4/0. Motion made by the Complaint Committee, seconded by Margaret Blain to rescind the above action due to new information and the case is ongoing. All in favor 4/0. Complaint Committee members Troy Grubb and Debra Turner recused from voting.

C2006-19 The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to accept the signed affidavit from Stephen Chambers, M.D., Chambers Medical Group. The Board approved the recommendation, seconded by Ron Barbato. All in favor 4/0. Complaint Committee members Troy Grubb and Debra Turner recused from voting.

C2006-20 The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to open an investigation. The Board approved the recommendation, seconded by Peggy Block. All in favor 4/0. Complaint Committee members Troy Grubb and Debra Turner recused from voting.

C2006-21 The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to send a 10 day demand letter to Dynamic Chiropractic & Rehab to conceal the large "Physical Therapy" sign on the outside of the building or to employ a physical therapist. The Board approved the recommendation, seconded by Kristie Cochrane. All in favor 4/0. Complaint Committee members Troy Grubb and Debra Turner recused from voting.

C2007-01 The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to open an investigation. The Board approved the recommendation, seconded by Peggy Block. All in favor 4/0. Complaint Committee members Troy Grubb and Debra Turner recused from voting.

BIC2007-02 On the recommendation of the Impaired Practitioners Committee, the Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to open an investigation. The Board approved the recommendation, seconded by Ron Barbato. All in favor 4/0. Complaint Committee members Troy Grubb and Debra Turner recused from voting.

BIC2007-03 On the recommendation of the Impaired Practitioners Committee, the Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to open an investigation. The Board approved the recommendation, seconded by Margaret Blain. All in favor 4/0. Complaint Committee members Troy Grubb and Debra Turner recused from voting.

BIC 2007-04 The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to open an investigation. The Board approved the recommendation, seconded by Ron Barbato. All in favor 4/0. Complaint Committee members Troy Grubb and Debra Turner recused from voting.

Update on Monitoring Probations

Update on monitoring probations were given for the following with approval: Gordon Clancy, PT, Charles Buster, PTA, and Bruce Taylor, PT.

Brian Fingerson made a report on the IPTPC. CAPTASA seminar is January 26-27, 2007.

Board and Administrative Business

It is noted that the Board concluded that the intent of KRS 327, 201 KAR 22:020(1) is that a temporary permit be issued to an applicant who is under the supervision of a Kentucky licensed physical therapist where the language of the regulation requires a licensed physical therapist.

The Board also noted that both PTs and PTAs may include hours as a Clinical Instructor as continued competency credits.

A motion was made by Peggy Block, seconded by Margaret Blain to repeal 201 KAR 22:040 Section 3, Inactive Status and amend Section 4. All in favor 5/0.

A motion was made by Ron Barbato, seconded by Kristie Cochrane to repeal 201 KAR 22:020 Section 6 and 7, Temporary Permit, and to amend 201 KAR 22:070 to change temporary license to a provisional license. All in favor 5/0.

A draft of the 2007-09 Jurisprudence Exam was submitted by Peggy Block for discussion. The final version will be submitted at the next Board meeting for approval.

Other Board Matters

Ron Barbato reported that the KPTA RFP (Referral for Profit) task force has not met.

Margaret Blain, liaison to the KPTA, reported that the KPTA has not met.

The Board reviewed and approved the year-to-date financial statement.

Board members reviewed the lists of persons issued a temporary permit, license, certificate as well as examinees and reinstatements since the last meeting. Lists are attached to these minutes.

Next Board meeting is scheduled for 9:00 p.m., March 15, 2007, at the Board office with the Complaint Committee meeting at 4:00 a.m. on March 14, 2007.

A motion was made by Ron Barbato, seconded by Margaret Blain, to adjourn the meeting at 4:30 p.m. All in favor 5/0.

Respectfully submitted,

Rebecca E. Klusch
Executive Director